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6 *Attorneys for Plaintiff and Counter-Defendant*
7 UNITED ARTISTS CORPORATION

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 UNITED ARTISTS CORPORATION, a Delaware corporation,

12 Plaintiff,

13 v.

14 UNITED ARTIST STUDIOS LLC, a Nevada limited liability company; UNITED ARTIST FILM FESTIVAL LLC, a Nevada limited liability company; XLI TECHNOLOGIES INC., a revoked Nevada corporation; XLI41 L.L.C., a Nevada limited liability company; JAMES P. SCHRAMM, an individual; and DOES 1-10, inclusive,

15 Defendants.

16 AND COUNTERCLAIMS.

Case No. 2:19-cv-00828-MWF-MAAx

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PLAINTIFF AND COUNTER-DEFENDANT UNITED ARTISTS CORPORATION'S EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANT SCHRAMM

Date: TBD

Time: TBD

Courtroom: 350 W. 1st Street, 5A

Judge: Hon. Michael W. Fitzgerald

Complaint Filed: Feb. 5, 2019

FAC Filed: March 26, 2019

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, before the Honorable Michael W. Fitzgerald, plaintiff and counter-defendant United Artists Corporation (“United Artists”) hereby applies *ex parte* for a temporary restraining order and preliminary injunction prohibiting Defendant James P. Schramm (“Mr. Schramm”) from threatening or

1 harassing United Artists' parent company Metro-Goldwyn-Mayer Studios Inc.'s
2 ("MGM") counsel and employees.

3 United Artists seeks to enjoin harassment by Mr. Schramm that includes, but
4 is not limited to, the following acts:

- 5 (1) physically confronting MGM's counsel and employees after court
6 hearings in this case;
- 7 (2) making threatening or harassing phone calls to MGM's counsel and
8 employees;
- 9 (3) sending threatening or harassing emails or any other communications
10 containing threatening or harassing content to MGM's counsel and
11 employees;
- 12 (4) posting threatening or harassing content about MGM's counsel and
13 employees on www.biasloser.com and www.facebook.com or any other
14 website;
- 15 (5) engaging in an advertising campaign (whether virtual or physical)
16 containing threatening or harassing content about MGM's counsel and
17 employees; and
- 18 (6) directing others to do any of the foregoing acts on Mr. Schramm's
19 behalf.

20 United Artists further requests that the Court enter an order directing Mr.
21 Schramm to remove prior threatening or harassing content referencing Daniel Flores,
22 MGM's Executive Vice President of Litigation, posted at www.biasloser.com and
23 www.facebook.com.

24 United Artists has good cause for seeking *ex parte* relief. Mr. Schramm has
25 escalated his conduct in recent days to include threats and personal attacks on United
26 Artists' legal representatives in an effort to intimidate counsel into dropping this
27 lawsuit. Mr. Schramm has physically intimidated and assaulted Mr. Flores and has
28 harassed Mr. Flores with phone calls and repeated emails threatening future

1 harassment. Mr. Schramm erected a billboard and posted material on
2 www.biasloser.com and www.facebook.com that is clearly intended to harass and
3 intimidate Mr. Flores. Mr. Schramm's threats include suggestions of physical harm
4 to Mr. Flores and his children and threats to institute a widespread advertising
5 campaign to harass Mr. Flores in the coming days. Mr. Schramm's conduct threatens
6 imminent and irreparable harm to Mr. Flores and his family and to United Artists'
7 interests in pursing this lawsuit. A court order enjoining Mr. Schramm from engaging
8 in further harassing and threatening conduct directed at United Artists' representatives
9 is warranted and should be issued immediately.

10 **Notice:** Plaintiff's counsel gave notice of this *ex parte* application by phone to
11 Defendant Schramm's counsel, Eric Sapir on October 3, 2019 at 10:25 a.m. Mr. Sapir
12 responded that Mr. Schramm intends to oppose the application. (Bost Decl. ¶ 7.)

13 Pursuant to Local Rule 7-19, Defendants' counsel's address is as follows:

14 Eric Sapir
15 Law Office of Eric Sapir
16 11040 Santa Monica Boulevard Suite 404
17 Los Angeles, CA 90025
18 Tel: 424-384-1650
19 Fax: 310-384-1651
20 Email: es@ericsapirlaw.com

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1 This *ex parte* application is based on this Application, the accompanying
2 Memorandum of Points and Authorities, the Declaration of Paul A. Bost, the
3 Declaration of Daniel M. Flores, the proposed order, and all other pleadings and
4 papers on file in this action.

Respectfully submitted,

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Dated: October 3, 2019

By /s/ Jill M. Pietrini

JILL M. PIETRINI
PAUL A. BOST

*Attorneys for Plaintiff
and Counter-Defendant*

SMRH:4811-7198-7112.1